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TAGS: [PREL](#) [SNAR](#) [CJAN](#) [KJUS](#) [ASEC](#) [KPAO](#) [VE](#) [AR](#)  
SUBJECT: ARGENTINE AUTHORITIES STAY IN ATTACK MODE,  
IMPUGNING USG MOTIVES IN PROSECUTING VENEZUELAN AGENTS

REF: (A) BUENOS AIRES 2345 (B) BUENOS AIRES 2336 (C)  
BUENOS AIRES 2331

¶1. (SBU) Action Request: Embassy requests clearance of proposed talking points in paras 7-14 for use in backgrounding the media in response to GOA allegations.

¶2. (SBU) Summary and introduction: Following extensive positive media coverage on December 14 and 15 of the Ambassador's December 14 statement to the press (ref A), President Fernandez de Kirchner's (CFK) chief of staff, Alberto Fernandez, renewed the GOA's attacks on the USG for implicating CFK in the case of three Venezuelans and one Uruguayan arrested in Miami December 11 on charges of operating as unregistered foreign agents. In remarks broadcast on December 15 and in a signed communique (text below) published December 16 in newspaper of record "La Nacion," Alberto Fernandez questioned the timing of the arrests, U.S. delays in responding to Argentina's request for the extradition of Alejandro Antonini-Wilson, and Antonini's role as witness for the prosecution. End summary.

#### GOA Rejects USG Overtures to Cool Dispute

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¶3. (SBU) Shortly after the Ambassador's mid-day statement to the press on December 14 (available on the embassy's website), the media began reporting his "attempt to lower the decibels" in the bilateral crisis, giving prominent coverage to his statement that it was one of the suspects in the case (Franklin Duran), not the USG, who had said that the "valija" money was intended for CFK's campaign. Also widely broadcast and published were the Ambassador's explanation of the independence of prosecutors in the U.S. justice system and the transparency of criminal trials.

¶4. (SBU) Unfortunately, the GOA failed to seize the opportunity to cool its anti-USG rhetoric. Instead, Presidential chief of staff Alberto Fernandez -- the Cabinet's top Minister, and the government official considered closest to CFK -- responded December 15 by reiterating GOA assertions that the U.S. prosecution of four unregistered foreign agents was revenge for the creation of the Chavez-inspired Banco del Sur and for Argentine temerity in pressing Colombian President Uribe to negotiate with the FARC for the release of Ingrid Betancourt, and, more broadly, part of a U.S. plot to undermine solidarity among Latin American nations.

¶5. (SBU) Over the air, Fernandez said, "We can only be upset, because what was done was a formidable procedural trap to prevent Antonini-Wilson from" being extradited to Argentina.

"The investigation in Argentina made progress, many people gave testimony, and the extradition of Antonini-Wilson was requested in order to find out the origin and destination of the money. And the U.S. systematically declined to send him, they never gave an answer, and said they were giving course to paperwork that took so long, showing little willingness to cooperate with the Argentine judiciary. As time went by, we discovered the U.S. was not investigating the origin or the destination of the money, but was worried about what they refer to as the entry into their country of foreign operatives without due authorization. And now, as a result of their investigation, Antonini-Wilson is not a suspect anymore, but a victim of extortion who must be protected. The outcome is that he has become a privileged witness, so it is very unlikely he will be sent back to Argentina."

GOA: "Excuses and Impunity"

16. (SBU) Fernandez also published a communique under the headline "Excuses and Impunity" in paper-of-record "La Nacion" in which he repeats and expands on the GOA's charges against the USG. The references to "Noriega" refer to former WHA Assistant Secretary Noriega, whose article critical of the Kirchners' handling of the Antonini-Wilson affair was published in "La Nacion" on December 14. Post's informal translation of the Alberto Fernandez article follows:

BEGIN INFORMAL TRANSLATION:

To say the world has changed substantially in the last years is, at this stage, an irrefutable truth, as it is to say that Latin America today is undergoing a transformation of great magnitude. The drawing together of a regional bloc based on the idea -- put forth marvelously by Lula -- that it is not

possible to think of one's own development without thinking at the same time of the progress of neighboring countries on the continent has invigorated the movement of a region that for years, as a consequence of a well-advertised disunity, has been delayed.

For sure, this state of affairs disturbs those who have hegemonic designs on the region. To name just a few aspects that show how those hegemonic forces have suffered reverses: the loss of control of Venezuelan or Bolivian energy resources, the sight of Argentina and Brazil freeing themselves from the IFIs' manipulation of their economies, the revelation of the inadequacy of their policies that have not been able to free thousands of persons illegally deprived of their freedom by irregular forces in Colombia.

What is striking is that now, against this backdrop, the United States government is using spurious means, such as those that have recently been revealed, with the goal of disturbing the region and triggering a crisis in the good relations that we (in the region) enjoy.

Among these methods stand out the formidable display by the Department of Justice of the Republican government of the United States of America that, with the pretext of investigating the irregular entry of foreign agents into its territory, hopes to make the international community believe that the BRV was sending illegal contributions to (Cristina Kirchner's) campaign. (Footnote: In the United States, despite what they say, district attorneys and the FBI belong to the Executive Branch and therefore do not act independently of the Attorney General. Recently, Alberto Gonzalez resigned that position for having "punished" district attorneys who were not disposed to "twist" investigations for political purposes.)

Contrary to what Roger Noriega (former Assistant Secretary of State for Latin America) wrote in these same pages a few days ago, those maneuvers that he ponders so much, far from facilitating that the truth be known, have only managed to be twisted into protecting the main suspect.

We know that a few months ago a U.S. citizen born in Venezuela tried to smuggle into Argentina the amount of \$800,000. We know this because it was the Argentine Airport Police that detected the suitcase stuffed with money. We know this because it was Argentine Customs that reported the infraction to the competent court. And we know this, finally, because it was the Argentine justice system that investigated the incident, summoned the person who attempted to smuggle the money into the country to testify to the court, and sought his extradition from the United States of America.

Maybe what Noriega should be calling for is that his country, instead of proceeding as it did, make possible once and for all that the accused account for his responsibility before the Argentine courts. Otherwise, he is endorsing a procedure that, on top of its harmful political consequences, converts the accused into a victim and transfers him to the world of impunity of protected witnesses thus keeping Argentine justice from clarifying what happened.

Beyond the "security" that U.S. authorities have perfected in favor of the accused, the news of the procedure spreads doubts of a political nature that by any logic should not exist. How do you explain that if the money was destined to the government's candidate, it was that same government that ruined the possibility of achieving that goal? Why would President Chavez, who was arriving the next day on an official mission to Argentina with diplomatic prerogatives, have chosen to send money to Argentina by irregular means in care of a questionable character, subjecting him to the "risk" of searches? How do you explain that those who were long-time business partners of the accused all of a sudden become Venezuelan agents extorting him?

Contrary to what Noriega thinks, when President Fernandez de Kirchner characterizes what has happened as a "garbage operation," she is not neglecting her vocation to find out the truth but warning of the impunity that the main suspect thereby acquires.

Maybe if he were extradited to Argentina, we could know for sure the origin and destination of that money. But that won't be possible, because what happened in the North has aborted all possibility of getting that. Now, the person who

was investigated for smuggling and money laundering has been converted into the victim of a government that was extorting him. Now it's more important to find out what these three "foreign agents were doing in Florida, even though they had been living there for years (???) (sic), than it is to find out if what happened on August 4, 2007, was planned somewhere with the purpose of derailing relation between Argentina and Venezuela, putting the squeeze -- by means of a fallacy -- on the leadership of both countries.

Maybe it's time in this globalized world for the hegemonic power to back off from its intent to "discipline" Latin American countries at any cost. If international relations are based on mutual respect, "intelligence operations" like this one are not exactly the way to go about it. Relations become more solid when members of the community of nations treat each other as equals. And for that, nobody should offend the intelligence and good name of another only with the intention of protecting a suspect who, maybe if he were forced to talk in Argentina, would provide the evidence that "should not" be known.

END INFORMAL TRANSLATION.

Proposed USG Press Line

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17. (SBU) Given the extensive media coverage over the weekend to Fernandez's accusations, media reports that there will be another arraignment in Miami December 17, and the fact that FM Taiana has summoned the Ambassador to the MFA on December

18, the Embassy expects an onslaught of media inquiries and a GOA version of the protest/response to the Ambassador. Embassy therefore requests Department clearance of the following proposed talking points for use as background press guidance, as well as any additional guidance the Department and other agencies can provide.

¶18. (SBU) Extradition: The U.S. has processed this request in accordance with its treaty obligations and established procedures -- contrary to statements made by GOA officials that the U.S. delayed, ignored, or blocked Argentina's extradition request for Antonini-Wilson. We advised GOA officials -- including at the September 4 meeting when Argentina presented the State Department with the extradition request -- that these requests frequently take considerable time largely to ensure the rights to "due process" under our legal system. The U.S. has a track record of acceding to foreign requests to bring people to justice when the requests are properly prepared. We note that the U.S. has several extradition requests (including for murder charges) pending with Argentina that the Argentine authorities have been working on for several years without resolution.

¶19. (SBU) Extradition continued: The GOA has not pursued its extradition request vigorously. Since it presented the extradition request to the USG on September 4, there has been no Argentine contacts with the USG on the status of the extradition request. We have received nothing from the GOA presenting additional evidence, and no request for an update on the case. (Background: This absence of follow-up has not been for lack of opportunity. GOA has passed up several opportunities with top USG officials to ask about process on the extradition request. Those meetings include: CFK's September 26 meeting with WHA A/S Shannon in New York, CFKs' meetings with Ambassador Wayne on September 20 and November 30; FM Taiana's September 28 meeting with the Secretary in New York and his September 20 meeting with Ambassador Wayne; Interior Minister Anibal Fernandez's meetings with Ambassador Wayne on August 27, October 24 and November 19; Presidential Chief of Staff Alberto Fernandez's non-action on Ambassador Wayne's months-old request for a meeting.)

¶110. (SBU) Focus of U.S. investigation: The U.S. investigation and charges were related to the actions undertaken in the U.S. by certain non-Argentine individuals violating U.S. laws. This was not an investigation of any laws broken in Argentina.

¶111. (SBU) Origins of this case: We are reminded that when the case of the \$800,000 first became public, President Kirchner said, "I don't cover anything up. When something happens, the people find out as they should, and we take the corresponding measures." Moreover, the newspapers reported that Alberto Fernandez asked for an apology from Venezuelan officials.

¶112. (SBU) U.S. cooperation on law enforcement issues: The U.S. enjoys excellent cooperation with the GOA on the full range of law enforcement issues. These issues include cases involving drug trafficking and trafficking in persons, counter-terrorism and working to ensure the safety and security of our citizens in air travel. A good recent example of cooperation to our mutual benefit was the U.S. case of Ernesto Guillermo Barreiro, who was deported by the U.S. to Argentina, where he was wanted on charges of suspected violations of human rights. Another was the AMIA case, in which the USG cooperated closely with the GOA in an effort to bring to justice those accused of killing 85 Argentines.

¶113. (SBU) Independence of Judiciary: The charges made by GOA officials challenging the independence of U.S. federal prosecutors are incorrect. There are numerous cases, historically, of prominent public officials being brought to justice for various crimes. These run the gamut from cases related to Watergate under Richard Nixon, the impeachment of Bill Clinton, former Secretary of Defense Caspar Weinberger, and the more recent case of the chief of staff of the Vice

President of the United States, Scooter Libby. These cases demonstrate clearly that the judicial system acts independently of the executive branch.

¶14. (SBU) Charges that U.S. Intended to Undermine CFK Government: We would simply point out the numerous instances of senior USG officials congratulating CFK on her election and expressing our desire to expand the many areas of cooperation we now enjoy. These include President Bush, Secretary of Labor Elaine Chao, Assistant Secretary of State

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for Western Hemisphere Affairs Thomas Shannon, and Ambassador Wayne. We had every expectation of opening a new chapter in our relationship and are disappointed by the comments we have seen from GOA officials attributing this case to a deliberate USG plot. If the USG had wanted to undermine CFK, it certainly would not have waited until December. The USG became aware of Franklin Duran's allegations that the \$800,000 were intended for the CFK campaign when Duran uttered them during an August 23 meeting with other co-conspirators. If the USG had had some ulterior political motives, wouldn't the USG have made this allegation public before the Argentine presidential elections and the Venezuelan national referendum?

WAYNE